

LEVI & KORSINSKY LLP

NICHOLAS I. PORRITT

ADAM M. APTON

1101 30th Street N.W., Suite 115

Washington, D.C. 20007

Tel: (202) 524-4290

Fax: (202) 333-2121

nporrit@zlk.com

aapton@zlk.com

Attorneys for Lead Plaintiff Henry Low

and Lead Counsel for Class

PILLSBURY WINTHROP SHAW PITTMAN LLP

DAVID M. FURBUSH

JAMES LINDFELT

2550 Hanover Street

Palo Alto, CA 94304-1115

david.furbush@pillsburylaw.com

james.lindfelt@pillsburylaw.com

Attorneys for Defendant Energy Recovery, Inc.,

Thomas Rooney Jr. and Audrey Bold

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE ENERGY RECOVERY INC.
SECURITIES LITIGATION

) Master File No.
) 3:15-cv-00265-EMC
)

) CLASS ACTION
)

) **STIPULATION AND [PROPOSED]**
)

) **ORDER TO MODIFY ORDER**
)

) **REFERRING PARTIES TO MEDIATION**
)

) Hon. Edward M. Chen
)
)

1 The above-named Lead Plaintiff and Defendants (collectively, the “Parties”), by and
2 through their respective counsel, stipulate and agree as follows:

3 **WHEREAS**, on May 26, 2016, Lead Plaintiff filed an amended complaint against
4 Defendants (ECF No. 99);

5 **WHEREAS**, on June 13, 2016, Defendants filed a motion to dismiss (ECF No. 100);

6 **WHEREAS**, following briefing on Defendants’ motion to dismiss, the Court held a
7 hearing on July 21, 2016;

8 **WHEREAS**, on or about August 5, 2016, the parties contacted the Court to notify it of
9 their intention to enter private mediation. The parties also requested that the Court reserve
10 decision on Defendants’ pending motion to dismiss until the parties had an opportunity to resolve
11 the case through private mediation;

12 **WHEREAS**, on August 5, 2016, the Court agreed to reserve decision while the parties
13 entered mediation. The Court ordered the parties to conduct mediation in September 2016, and
14 reset a previously scheduled case management conference from October 13, 2016 to September
15 29, 2016;

16 **WHEREAS**, the parties have attempted to schedule a mediation in September 2016, but
17 have been unsuccessful. The earliest date on which all parties are available to mediate the case
18 with the agreed-upon mediator is October 12, 2016;

19 **NOW THEREFORE**, the parties stipulate and agree, subject to the approval of the Court,
20 that the deadline for mediation be extended to October 12, 2016 and that the case management
21 conference be rescheduled to a date after the mediation.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: August 15, 2016

/s/ Adam M. Apton

Adam M. Apton
Levi & Korsinsky, LLP
Attorneys for Lead Plaintiff and the Class

DATED: August 15, 2015

/s/ David Furbush

David Furbush
Pillsbury Winthrop Shaw Pittman LLP
Attorneys for Defendants

I, Adam M. Apton, am the ECF User whose User I.D. and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby state that the above-listed signatories have concurred in this filing.

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Further CMC is reset
from 9/29/16 to 10/27/16
at 10:30 a.m.

DATED: 8/19/16

4820-0698-2710, v. 1

